

EXHIBIT A

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

CISCO SYSTEMS, INC.,)

Plaintiff,)

v.)

ARISTA NETWORKS, INC.,)

Defendant.)

CASE NO. 5:14-cv-05344-BLF

**PLAINTIFF CISCO SYSTEMS, INC.'S
 PRELIMINARY CLAIM
 CONSTRUCTIONS AND EXTRINSIC
 EVIDENCE**

1 **I. INTRODUCTION**

2 Under Rule 4-1 of the Local Patent Rules (“P.R.”) of the Northern District of California,
3 Plaintiff Cisco Systems, Inc. (“Cisco”) hereby identifies the Preliminary Proposed Claim
4 Construction of Terms, Phrases, or Clauses in U.S. Patent Nos. 7,047,526 (“the ‘526 patent”) and
5 7,953,886 (“the ‘886 patent”) (collectively the “patents-in-suit”).

6 Cisco bases these constructions upon its current knowledge, understanding, and belief as to
7 the facts and information available as of this date. Cisco reserves the right to further amend these
8 preliminary proposed claim constructions as the parties proceed with discovery and work towards
9 the preparation of a final Joint Claim Construction Statement. In particular, Cisco specifically
10 reserves the right to update its citations to relevant extrinsic evidence, such as expert testimony, as
11 well as to identify additional dictionary definitions. Cisco reserves its right to revise its
12 contentions regarding claim terms and elements in view of Arista’s contentions on such issues and
13 as discovery proceeds. Cisco further reserves the right to rely on extrinsic evidence identified by
14 Arista and to add additional extrinsic evidence, particularly for constructions on which the parties
15 disagree. Cisco further reserves the right to amend these disclosures to the extent Arista
16 supplements or amends its disclosures.

17 Pursuant to Patent L.R. 4-2(b), Cisco is also producing extrinsic evidence identified in the
18 charts below with the Bates range CSI-CLI-00403875 through CSI-CLI-00403908.

19 With respect to each term identified below, and any other terms identified by Cisco or
20 Arista, Cisco may rely on expert testimony from expert Kevin Almeroth. Subject to Arista’s
21 proposed constructions, information learned in the course of meeting and conferring with Arista’s
22 counsel, and the manner in which the Court will conduct a claim construction hearing, Cisco may
23 provide testimony from the disclosed expert to provide tutorial background regarding the
24 technology at issue, to address the meaning and subject matter of the asserted patent claims as they
25 would be understood by those of ordinary skill in the art at the time any patents were filed, to
26 address the proper construction of various claim terms in light of the intrinsic and extrinsic
27 evidence and/or the meaning of the term to one of ordinary skill in the art, to rebut claim
28 construction positions taken by Arista and/or any of its experts, and to otherwise assist the Court

1 in construing the asserted patents. The disclosed expert may also rely on the extrinsic evidence
2 that has been produced previously and that is being produced hereto.

3 Cisco's list of proposed terms and claim elements for construction as well as Cisco's
4 preliminary claim constructions and identification of intrinsic and extrinsic evidence were
5 prepared in light of Cisco's P.R. 3-1 Infringement Contention disclosures. Cisco reserves the right
6 to modify its list of terms for construction, preliminary proposed constructions, and identification
7 of intrinsic and extrinsic evidence should Cisco amend its Infringement Contentions.

8 This disclosure is preliminary. Cisco's discovery and investigation in connection with this
9 action is ongoing. Cisco has not received all documents that may be relevant to these disclosures,
10 and Arista has not yet produced all relevant information and documents. Cisco reserves the right
11 to rely on documents, discovery responses, and testimony collected during the discovery process.
12 Cisco also reserves the right to add to, subtract from, or otherwise amend this description of
13 extrinsic evidence as part of the ongoing process or as part of preparing a Joint Claim
14 Construction and Prehearing Statement in this action.

15 To the extent necessary to clarify the issues for the Court or otherwise avoid ambiguity or
16 confusion, Cisco reserves the right to address a word or phrase separately from the terms listed
17 below, if addressing that word or phrase separately will assist in the resolution of the parties'
18 disputes.

19 **II. CISCO'S PROPOSED CONSTRUCTION**

20 a. The '526 Patent

Claim Term & Cisco's Proposed Construction	Supporting Intrinsic Evidence	Supporting Extrinsic Evidence
<p>23 "management programs"</p> <p>24 <u>Proposed construction:</u></p> <p>25 "separate tools or</p> <p>26 external agents having</p> <p>27 their own respective</p> <p>28 command formats that</p> <p>provide management</p> <p>functions"</p>	<p>The specification of the '526 patent, including:</p> <p>"The parser, upon identifying a best match among the elements, issues a prescribed command for a selected one of the management programs according to the corresponding command format based on the selected command action value. Hence, a user may control multiple management programs having respective command</p>	